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DEC 23 2004

In re Application of : **OFFICE OF PETITIONS**
Kirkman et al. :
Application No. 10/660,184 :
Filed: September 11, 2003 : ON PETITION
Attorney Docket No.: VTN 630 NP :

This is a decision on the Petition, filed November 22, 2004, requesting the above-identified application be accorded a filing date of September 11, 2003, including 3 sheets of drawings.

The application was filed on September 11, 2003. On October 15, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice") stating that the application had not been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition wherein Applicant avers that 3 sheets of drawings were originally filed with the application on September 11, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, inter alia, 3 sheets of drawings in the above-identified application by this Office on September 11, 2003.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, inter alia, 3 sheets of drawings in the above-identified application by this Office on September 11, 2003.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The copy of 3 sheets of drawings, filed with the instant petition on November 22, 2004, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 10-0750, as requested in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of September 11, 2003, and an indication that 15 sheets of drawings were present on filing, using the 3 sheets of drawings filed with the instant petition on November 22, 2004.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods
Attorney/Advisor
Office of Petitions